

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

March 28, 2008

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.:05OD-241

OAHU

Grant of Term, Non-Exclusive Easement to Pearl City Business
Plaza Associates for Access Purposes, Waimano, Oahu, Tax Map
Key: (1) 9-7-19:portion 35.

APPLICANT:

Pearl City Business Plaza Associates, domestic limited
partnership, whose business and mailing address is 1174 Bishop
Street Suite 1006, Honolulu, Hawaii 96813.

LEGAL REFERENCE:

Section 171-13, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands situated at Manana and Waimano, Ewa,
Oahu, identified by Tax Map Key: (1) 9-7-19:portion 35, as shown
on the attached map labeled Exhibit A.

AREA:

4,440 square feet, more or less.

ZONING:

State Land Use District: Urban
City & County of Honolulu CZO: P-2 General
preservation district

TRUST LAND STATUS:

Section 5(a) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State
Constitution: YES _____ NO x

CURRENT USE STATUS:

Vacant and unencumbered

Vacant and unencumbered

CHARACTER OF USE:

Right, privilege and authority to construct, use, maintain and repair a right-of-way over and across State-owned land.

COMMENCEMENT DATE:

To be determined by the Chairperson.

EASEMENT TERM:

Fifty-five (55) years.

ANNUAL RENT:

One-time payment to be determined by independent or staff appraisal establishing fair market rent, subject to review and approval by the Chairperson.

RENTAL REOPENINGS:

Not applicable.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with the "Division of Land Management's Environmental Impact Statement Exemption List", approved by the Environmental Council and dated April 28, 1986, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, Item No. 8 that states "Maintenance and repair of state-owned right-of-way other than public rights-of-way."

DCCA VERIFICATION:

Place of business registration confirmed:	YES	<u>x</u>	NO	<u> </u>
Registered business name confirmed:	YES	<u>x</u>	NO	<u> </u>
Applicant in good standing confirmed:	YES	<u>x</u>	NO	<u> </u>

APPLICANT REQUIREMENTS:

Applicant shall be required:

- 1) Pay for an appraisal to determine initial one-time payment;
- 2) Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost; and
- 3) Process and obtain subdivision at Applicant's own cost.

REMARKS:

The Applicant has a business building on Parcel 2. Due to a Department of Transportations' median that separates traffic on Kamehameha Highway (town bound and Waipahu bound) vehicles existing the premises have a difficult time getting onto the Waipahu bound section of Kamehameha Highway. During heavy traffic, the situation becomes more perilous as vehicles try to cross over, obstruct the town bound traffic flow. Hopefully, the proposed easement would allow for safer entry onto Kamehameha Highway.

Applicant has not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.

Comments were solicited and their statements are listed below:

DHHL	No comments
DOT - Highways	No response
City DPP	See Exhibit B
City Facilities Maintenance	No objections
BWS	No objections
OHA	No response
Coalition for Specialized Housing	Will work with PCBPA

In another submittal, the Division is processing a request to direct lease Parcel 35 to the Coalition for Specialized Housing for a low-income rental housing and related purposes. Staff instructed Coalition for Specialized Housing and their consultants to work with Pearl City Business Plaza Associates since both parties require the use of the narrow strip (40 foot wide neck) to access onto Kamehameha Highway. Coalition for Specialized Housing environmental assessment included a Traffic Assessment. The traffic that will be generated by the proposed development will be only a small part of the total traffic in the area. Recommendations are as follows: a stop sign should be provided for traffic on the project driveway. Left turns out of the project driveway should be prohibited and the existing median opening should be reconstructed to eliminate the pavement area for left turns out of the project driveway. The reconstruction will for an increase in the storage length for left turns from the westbound Kamehameha Highway to the project driveway.

RECOMMENDATION: That the Board:

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Authorize the subject requests to be applicable in the event of a change in the ownership of the abutting parcel described as Tax Map Key: (1) 9-7-34:2, provided the

succeeding owner has not had a lease, permit, easement or other disposition of State lands terminated within the last five (5) years due to non-compliance with such terms and conditions.

3. Subject to the Applicant fulfilling all of the Applicant requirements listed above, authorize the issuance of a term non-exclusive easement to Pearl city Business Plaza Associates covering the subject area for access purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:

- A. The standard terms and conditions of the most current term easement document form, as may be amended from time to time;
- B. The easement shall run with the land and shall inure to the benefit of the real property described as Tax Map Key: (1) 9-7-34:2, provided however: (1) it is specifically understood and agreed that the easement shall immediately cease to run with the land upon the expiration or other termination or abandonment of the easement; and (2) if and when the easement is sold, assigned, conveyed, or otherwise transferred, the Grantee shall notify the Grantee's successors or assigns of the insurance requirement in writing, separate and apart from this easement document;
- C. Review and approval by the Department of the Attorney General; and
- D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



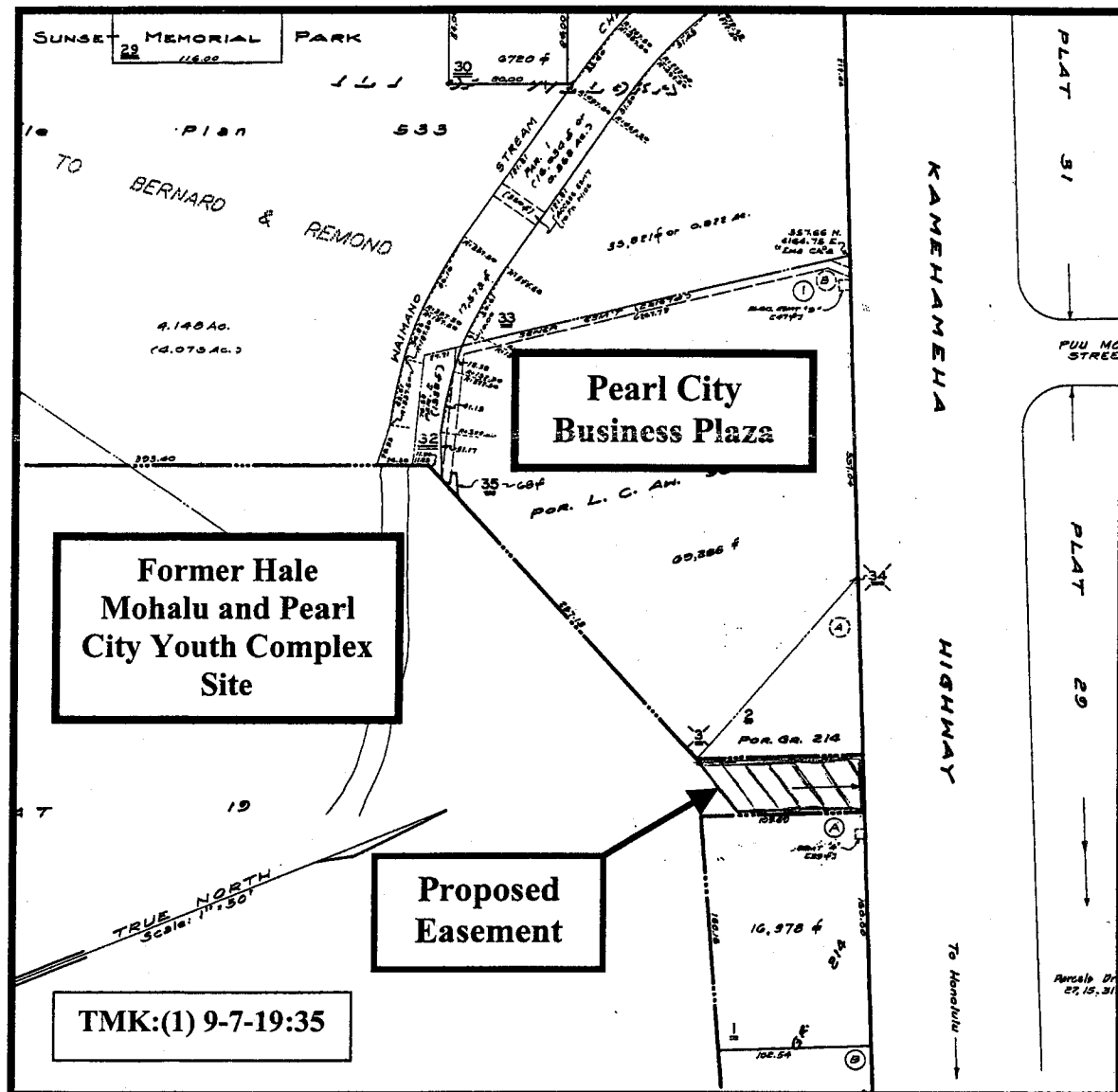
Charlene E. Unoki
Assistant Administrator

APPROVED FOR SUBMITTAL:



Laura H. Thielen, Chairperson



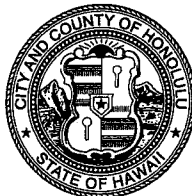


**Request for Term Non-Exclusive Access Easement
for the Pearl City Business Plaza
TMK: (1) 9-7-019: Portion of 35**

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

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TELEPHONE: (808) 768-8000 • FAX: (808) 527-6743
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MAYOR



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HENRY ENG, FAICP
DIRECTOR

DAVID K. TANOUE
DEPUTY DIRECTOR

DEPT. OF LAND
& NATURAL RESOURCES
STATE OF HAWAII

2007/ELOG-1446 (TH)

June 28, 2007

Mr. Allan A. Smith, Interim Chairperson
Board of Land and Natural Resources
Department of Land and Natural Resources
P.O. Box 621
Honolulu, Hawaii 96809

Attn: Ms. Charlene Unoki, District Land Agent

Subject: Request for Term, Non-Exclusive Easement for Access Purposes
- Waimanalo, Oahu, Tax Map Key: 9-7-019:035 (portion)
Waimanalo

We have reviewed the subject request and offer the following comments.

1. TMK: 9-7-019:035 is currently zoned P-2 General Preservation District in accordance with Chapter 21, Revised Ordinances of Honolulu (ROH).
2. Our records indicate that the entire parcel is not within the Special Management Area, therefore, it is not subject to the requirements of Chapter 25 ROH. Additionally, the parcel is within Flood Zone D, where flood hazards are undetermined.
3. We understand that the proposed Hale Mohalu II is an affordable rental housing project that is to be developed on the subject site. We suggest that a traffic study be required if Hale Mohalu II will use the same easement to access Kamehameha Highway.
4. We recommend that the State Department of Transportation be consulted since the easement involves access to Kamehameha Highway, a State facility.

Thank you for the opportunity to comment on this matter. Should you have any questions, please contact Tim Hata of our staff at 768-8043.

Very truly yours,

Henry Eng
Henry Eng, FAICP, Director
Department of Planning and Permitting

HE:js

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RECEIVED
LAND DIVISION
2007 JUN 29 11:30 AM
EXHIBIT "B"